

HOUSE BILL REPORT

HB 1204

As Passed House:

February 23, 2009

Title: An act relating to increasing the number of district court judges in Benton county.

Brief Description: Adding two district court judges in Benton county.

Sponsors: Representatives Klippert, Goodman, Haler, Walsh and Williams; by request of Board For Judicial Administration.

Brief History:

Committee Activity:

Judiciary: 1/19/09, 1/22/09 [DP].

Floor Activity

Passed House: 2/23/09, 96-1.

Brief Summary of Bill

- Increases the number of statutorily authorized district court judges in Benton County from three to five.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Courtney Barnes (786-7194)

Background:

The number of district court judges in each county is set by statute. Any change in the number of full- and part-time judges in a county's district court is determined by the Legislature after receiving a recommendation from the Supreme Court.

The Supreme Court's recommendation is based on an objective workload analysis developed annually by the Administrative Office of the Courts (AOC). The objective workload analysis

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

takes into account available judicial resources and the caseload activity of the court. The AOC may consult with the Board of Judicial Administration and the District and Municipal Court Judges' Association to develop procedures and methods of applying the objective workload analysis.

The AOC completes a judicial impact note, which identifies any cost to the state or local government, for each recommendation to change the number of district court judges in a county. In order for an additional judicial position to become effective, the legislative authority of the affected county must approve the position and agree to pay, out of county funds and without reimbursement from the state, expenses associated with the new position. Changes in the number of district court judges may not be made in a year in which judicial elections for district court are held.

Benton County has three elected district court judges. According to the AOC's objective workload analysis, an increase in the number of district court judges in Benton County is recommended.

Summary of Bill:

The number of statutorily authorized district court judges in Benton County is increased from three to five.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) For the purposes of efficiency, Benton County would like to eliminate its two court commissioners and replace them with two district court judges. Court commissioners are not elected and their authority is more limited than that of a district court judge. To provide defendants with their constitutional right to a speedy trial, Benton County needs the authorization to hire more judges. This bill simply gives the county the authority to hire two new judges. The cost of adding judges is absorbed by the county. The bill will not cost the state any money.

(Opposed) None.

Persons Testifying: (In support) Representative Klippert, prime sponsor; Representative Haler; Robert Ingvalson, Benton County District Court; and Mellani McAleenan, Board of Judicial Administration.

Persons Signed In To Testify But Not Testifying: None.